

PATENT
Patent App. Ser. No. 10/568,791
The Eclipse Group Docket No. HI09110USU (P03140US)

REMARKS

Claims 1-11 are pending in this present application. In the April 30, 2009 Non-Final Office Action, the Examiner:

1. Objected to claims 4 and 8 because of a lack of antecedent basis as to an element of the claims, "the light source";
2. Rejected claims 1, 2, 4, 5, 8, and 11 under 35 U.S.C. § 102(b) as being anticipated by Kaneko et al. (U.S. 4,464,781);
3. Objected to claims 3, 6, 7, 9, and 10 as being dependent upon a rejected base claim, but found the claims allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 4 and 8 to correct the informality that the Examiner noted regarding these claims, as well as claim 5. Additional amendments have been made to claims 1, 3, 9, 10, and 11 to clarify the invention claimed thereby. No new matter has been introduced. As to the rejections under 35 U.S.C. § 102(b), Applicant respectfully traverses.

I. OBJECTIONS TO CLAIMS 4 AND 8

In response to the Examiner's objections regarding 4 and 8, Applicant has amended claims 4 and 8 to depend from allowable claim 3, which includes the limitation of "a light source," thus correcting the lack of antecedent basis. A similar amendment was made to claim 5.

II. AMENDMENTS TO CLAIMS 1, 3, 9, 10, AND 11

Amendments have been made to claims 1, 3, 9, 10, and 11 to improve the clarity and the grammar of the claims. Additionally, claim 1 was amended to refer to a plurality of slides in the slide controller. Support for the amendments to claim 1 may be found, for example, at page 4, paragraph [0013], lines 1-6, FIG. 1, and elsewhere throughout the specification. No new matter has been added by these Amendments. Additionally, Applicant reserves the right to present the amended claims in their original form in one or more continuation applications.

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III. REJECTION OF CLAIMS 1, 2, 4, 5, 8, AND 11 UNDER 35 U.S.C. § 102(b)

Claims 1, 2, 4, 5, 8, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kaneko et al. (U.S. 4,464,781). In the December 31, 2008 Final Office Action, the Examiner states as follows:

Regarding claim 1, Kaneko et al. discloses a slide controller for an audio mixer, in which a slide [4L-1 - 4L-5] may be shifted along a limited path in a slot-shaped opening [see figure 4] in a front plate, characterized in that an illuminable element [4L-4, 4L-5, 4L-6, 4L-7] is provided which extends along the opening (figure 4, column 5).

Applicant respectfully submits that Kaneko does not teach or disclose "an illuminable element" that extends along a slot-shaped opening in a front plate of an audio mixer, as recited in claim 1. According to the Examiner (as noted above), elements 4L-4, 4L-5, 4L-6, and 4L-7 of Kaneko are illuminable elements that extend along an opening in a front plate of an equalizer apparatus. This is an incorrect description of the elements of Kaneko as explained below.

FIG. 4 of Kaneko shows slides or knobs of slide resistances 4L-1 to 4L-5 and 4R-1 to 4R-5 for the left and right channels, respectively, of the equalizer apparatus. Col. 5: lines 12-16. The illuminating elements are a red display frame 4L-6, a green display frame 4L-7, a second green display frame 4R-6, and a second red display frame 4R-7. Col. 5: lines 16-20. As can be seen in Fig. 4, each of the display frames are rectangular in shape and within each of these display frames lie either 2 or 5 of the slides.

As an example of operation, when the car stereo is operating in a 4-speaker system mode, each of the display frames are lighted up by the red lighting elements 9-3 and 9-6 and the green lighting elements 9-3 and 9-6 that are shown in FIG. 2. Col. 5: lines 37-40. The result, in this mode of operation, is that knobs 4L-4 and 4L-5 lie within the frame enclosed with the green display frame 4L-7 inside the display frame 4L-6, which correspond to the front speakers of the left channel, and knobs 4R-4 and 4R-5 lie within the frame enclosed with the red display frame 4R-7 inside the display frame 4R-6, which correspond to the front speakers of the right channel. Col. 5: lines 41-53. In the 2-speaker system mode, only red light emitting element 9-3 and green light emitting element 9-4 are lit up, with the result that knobs 4L-1 to 4L-5 lie within the red display frame 4L-6, and knobs 4R-1 to 4R-5 lie within the green display frame 4R-6. Col. 5: lines 26-36.

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To summarize, the Examiner's arguments are clearly premised on erroneous conclusions about the teachings of Kaneko in that Kaneko does not teach or disclose an illuminable element that extends along slot-shaped openings in which slides are shifted. The only illuminable elements in Kaneko are rectangular display frames that frame either 2 or 5 slides, and these display frames do not extend along the slot-shaped openings in which the slides are shifted. Therefore, Kaneko does not teach all of the limitations of the claimed invention arranged or combined in the same way as recited in the claims, and thus, Kaneko cannot anticipate claim 1 under 35 U.S.C. § 102. Independent claim 1 being in condition for allowance, dependent claims 2-11 that depend directly or indirectly from allowable claim 1 are also in condition for allowance.

IV. OBJECTIONS TO CLAIMS 3, 6, 7, 9, AND 10

The Examiner has objected to claims 3, 6, 7, 9, and 10 as being dependent upon a rejected base claim, but has stated that claims 3, 6, 7, 9, and 10 would be allowable if re-written to overcome the objections set forth in the non-final Office action and in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant thanks the Examiner for allowing claims 3, 6, 7, 9, and 10 if re-written; however, Applicant believes that re-writing claims 3, 6, 7, 9, and 10 in independent form is not needed at this time because, as stated above, independent claim 1 is in condition for allowance, and therefore dependent claims 3, 6, 7, 9, and 10 that depend directly or indirectly from allowable claim 1 are also in condition for allowance.

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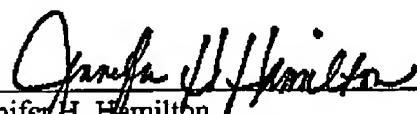
CONCLUSION

In light of the above Amendments and Remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: 8/31/09



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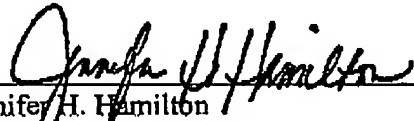
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